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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,341	01/24/2006	Michael Vogel	1016710010P	7825
34284 Rutan & Tucke	7590 06/22/200 r. LLP.	EXAMINER		
611 ANTON B		HORNBERGER, JENNIFER LEA		
SUITE 1400 COSTA MESA, CA 92626			ART UNIT	PAPER NUMBER
			3734	
			MAIL DATE	DELIVERY MODE
			06/22/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)					
	10/564,341	VOGEL ET AL.					
Office Action Summary	Examiner	Art Unit					
	JENNIFER L. HORNBERGER	3734					
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address					
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be time will apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	l. lely filed the mailing date of this communication. (35 U.S.C. § 133).					
Status							
1)⊠ Responsive to communication(s) filed on <u>30 No</u>	ovember 2006						
	action is non-final.						
<i>;</i>	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
· · ·	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims	,						
·	liantia						
	4) Claim(s) 1-8 and 10-30 is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.							
5) Claim(s) is/are allowed.							
6) Claim(s) is/are rejected.							
· · · · · · · · · · · · · · · · · · ·	7) Claim(s) is/are objected to.						
8)⊠ Claim(s) <u>1-8 and 10-30</u> are subject to restriction	n and/or election requirement.						
Application Papers							
9)☐ The specification is objected to by the Examine	r.						
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority under 35 U.S.C. § 119							
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 							
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	te					

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DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

- I. The safety clip as shown in figures 1 and 5.
- II. The safety clip as shown in figure 2.
- III. The safety clip as shown in figure 3.
- IV. The safety clip as shown in figure 4.
- V. The safety clip as shown in figure 6.
- VI. The safety clip as shown in figure 12.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

- 2. The claims are deemed to correspond to the species listed above in the following manner:
- Species I. Claims 1-3, 5, 7, 8, 10-12, 14, 15, 20, 22-24, and 26-28.
- Species II. Claims 1, 3-5, 8, 10-12, 14, 16, 17, 21-24, 26, 27, 29, and 30.

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Species III. Claims 1, 3-5, 8, 10, 11, 13, 14, 16, 17, 21-24, 26, 27, 39, and 30.

Species IV. Claims 1, 2, 5, 7, 10, 11, 13, 15, 17-19, 22-24, and 26-28.

Species V. Claims 1, 2, 5, 8, 10-12, 14, 22, and 25-27.

Species VI. Claims 1, 2, 5, 10-12, 26, and 27.

The following claim(s) are generic: 1, 5, 10, 11, 26, and 27.

3. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: The common technical feature is a safety clip for a medical catheter that comprises a shaft and a sleeve, the safety clip comprising an elongate body, an attachment member, a first spacing member, and a stop.

US Patent No. 6,146,415 discloses a safety clip for a medical catheter that comprises a shaft (34) and a sleeve (16), the safety clip comprising an elongate body (20), an attachment member (40), a first spacing member (30) and a stop (col. 6, ln. 18-67).

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENNIFER L. HORNBERGER whose telephone number is (571)270-3642. The examiner can normally be reached on Monday through Friday from 8am-5pm, Eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Todd Manahan can be reached on (571)272-4713. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jlh 06/19/2009

/Todd E Manahan/ Supervisory Patent Examiner, Art Unit 3734